

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|--|---|--------------------|
| JAMES H. WILLIAMS, |) | |
| |) | |
| Plaintiff, |) | 2:05-cv-101 |
| v. |) | |
| |) | |
| WILLIAM S. STICKMAN, III, |) | |
| Western Regional Deputy Secretary, |) | |
| LOUIS S. FOLINO, S.C.I. Greene Supt., |) | |
| THOMAS D. JACKSON, S.C.I. Greene |) | |
| Deputy, D. P. BURNS, S.C.I. Greene |) | |
| Major, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on January 27, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on April 19, 2006, recommended that the Defendants Motion to Dismiss (Doc. 20) be denied.

The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Huntingdon, Huntingdon, Pennsylvania, where he is incarcerated and on the Defendants. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15th day of May, 2006

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (Doc. 20) is DENIED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 30), dated April 19, 2006, is adopted as the opinion of the court.

BY THE COURT:

s/ Terrence F. McVerry
U.S. District Court Judge

cc: JAMES H. WILLIAMS
AY-8692
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Huntingdon, PA 16654

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